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July 1999

The Right to Freedom

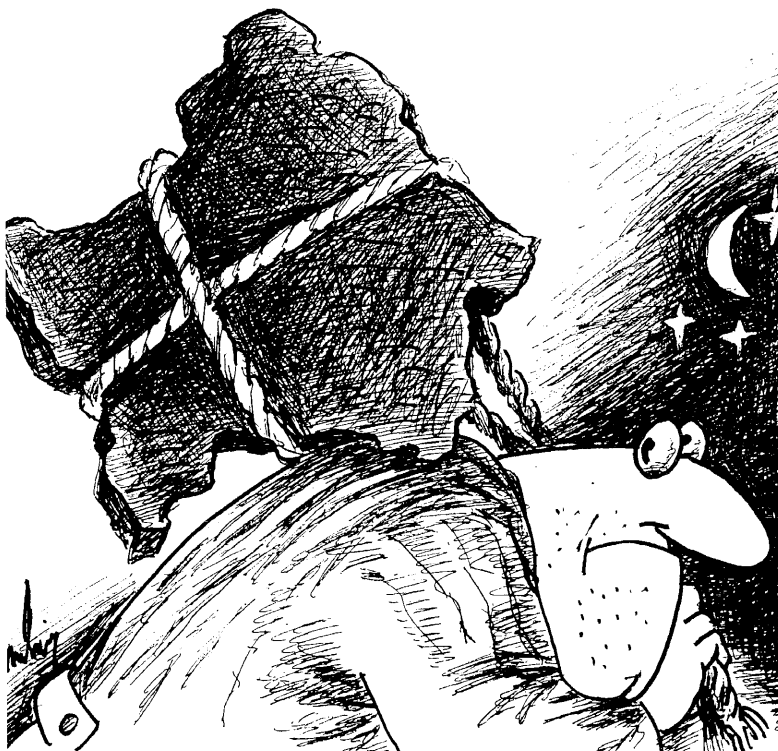
The Bulletin of the Human Rights Centre "Viasna-96"

CHRONICLE

On 26 June, Alexander Stalyarow – chairman of the Free trade union of entrepreneurs of the city of Orsha and its district, was detained by policemen on the market square in Orsha. F.Stalyarow distributed inquiry forms for public interview. The questionnaires contained the questions as follows: "Do you support the Free trade union?", "In what way are you ready to support its demands – meetings, strikes, pickets, money?", "Do you believe the closer contacts between Belarus and Russia improve or make worse the economic situation in our country?", "What is your opinion about Lukashenka's idea to unite the two countries into one state?" Market divisional inspector took Stalyarow to the City Administration of Internal Affairs, where Stalyarow was informed that his case was transferred to the Committee for State Security (KGB). In the end A.Stalyarow was set free, for was a day off.

On 29 June, activists of the Association of the Belarusian Language named after Frantsishak Skaryna held a picketing under following slogans: "The Belarusian language to higher school!", "Stop the policy of russification!", "Start speaking the Belarusian language from yourself!" During picketing they collected signatures both for opening the National University in Belarus (where all the subjects would be taught in the Belarusian language) and against the initiative to rename Frantsishak Skaryna Avenue – the main street of the capital. The last one was connected with one of Lukashenka's appearances where he stated that the Avenue, which used to be named after Lenin and currently named after Belarusian printing pioneer who lived in the XVI century should be given another name not connected with politics, for example, Victory Avenue...

(to be continued on pp. 14-15)



OUT OF LAW

BEGINNING FROM THE 20TH OF JULY ALEXANDER LUKASHENKA HAS BECOME NOT ONLY FORMER FIRST BELARUSAN PRESIDENT AND DICTATOR, BUT ALSO USURPER OF POWER

The only thing Alexander Lukashenka did during all five years of his rule was to wipe out everything Belarusian in Belarus with the help of his decrees, laws and referendums: language, history, culture, national symbols, holidays...

Belarus has witnessed a lot of hardships throughout its long history but perhaps, not a single invader behaved in such a impudent and aggressive way in our country as the first nationally elected presi-

dent of independent Belarus. He even made use of country independence for cynic trade with neighbouring Russia in order to get easier way to the Russian "throne". It's strange, but it has already been underlined many times that this very "main integrator" has become the main reason why Russian politicians didn't integrate with Belarus though they had itched to get the country, which could have been the corridor to Europe. For a long time they

had closed their eyes (by the way, the situation hasn't practically changed nowadays) on numerous violations of human rights in Belarus, on political prisoners, who are in jail for fabricated cases, on the regime, which became authoritarian, on the fact that Lukashenka gives short shift to any opposition manifestation, that he monopolised Mass Media, that he leads this country again to the communist hell...

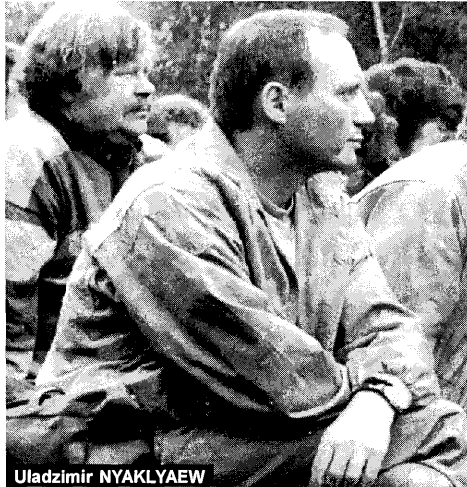
(to be continued on p. 7)

POETS DON'T LIVE WITHOUT FREEDOM?..

**ULADZIMIR NYAKLYAEW, THE HEAD OF THE UNION
OF BELARUSAN WRITERS, DECIDED NOT TO RETURN TO BELARUS**

For quite a long time nobody wanted to believe the news that Uladzimir Nyaklyaeu, a famous Belarusian poet, the head of the Union of Belarusian writers and the editor of the "elite" magazine "Krynitsa" who had gone to Poland on business, decided to stay there and is going to apply for political asylum. It was especially surprising for those who knew him as a literature "official" close to the power. President Lukashenka, by the way, didn't hide his warm feelings towards the famous lyrics author (with whose songs he had grown up). It is worth saying, that Nyaklyaeu also didn't turn down the friendly hand of the power. He also accepted the State Prize for the year 1998 from Lukashenka's hands. In one word, the relationship between the poet and the power seemed if not ideal at least close to that. And the news came out of the blue: U. Nyaklyaeu stays in Poland and won't return to Belarus...

Some days later "Narodnaya Volya" published U. Nyaklyaeu's article in which he in a rather tough way criticised Uladzimir Zamiatin, well-known fighter with all Belarusian, vice Prime Minister and explained his position. As it was said in the article the poet's decision not to return from this trip was the result of his conflict with "Grey cardinal" and the closest Lukashenka's adviser. U. Zamyatalin couldn't forgive the poet his sharp speeches against him and his anti-Belarusian policy



Uladzimir NYAKLYAEW

in culture; he couldn't forgive that the Head of the Belarusian Writers Union didn't serve the authorities but carried out his independent policy, gradually defended interests of Belarusian land, language, culture, came forward against integration with Russia... But Zamyatalin chose not a political way of struggle. He decided to make Nyaklyaeu a criminal. From the beginning of the last year the editor's office of the magazine "Krynitsa" began to be visited by financial commissions. At last they "gathered" a number of facts of "financial discipline violations" which "had taken place". In Warsaw Nyaklyaeu

was informed that the material was serious enough for his arrest. And he decided to stay in Poland for sometime.

In the end of June an interview with U. Nyaklyaeu was published in "Narodnaya Volya". In this article all the "is" seemed to be crossed. Let's cite some words from this interview: "In our country people are not arrested on political grounds openly yet, - Nyaklyaeu says. It is necessary to find financial violations of the law and show that it is not the man with his own point of view who rebels but a criminal... Now it is too early to talk about coming back yet... Now I am paying my personal

bills. I pay by separation with my relatives and friends... I pay for being close to power, for my illusions..."

For the authorities the poet's desire to stay in Poland was very unexpected. But they quickly came to their senses and started a sensible play with him. First of all, official mass media was ordered not to publish compromising material on Nyaklyaeu; secondly, one after another visitors went to Poland to persuade the poet to return on U. Zamyatalin's word that the criminal case wouldn't be filed. And something seems to have changed because U. Nyaklyaeu sent a fax to the Union informing he would stay in Poland for a month to prolong his vacations and improve health... So, today there is not yet official confirmation that Nyaklyaeu would stay abroad. After all the cause may be not Nyaklyaeu's certain indecisiveness but the fact that he had applied for political shelter not immediately after crossing the border, as the law demands, but about a week later.

Now only one thing is clear: even with all the promises of power for Nyaklyaeu it is not safe to return to Belarus. In the same interview in "Narodnaya Volya" he said: "I am not healthy, but not mentally. Vinnikava (the Head of the National Bank, who after almost a year and a half of imprisonment for "financial violations" which were not proved by the Prosecutor's Office, vanished from home arrest "with no evidence" - ed.) was abroad when the decision on her arrest was made. They told her: Tamara, we love you, appreciate and wait for you; you are a candidate for the post of Prime-Minister. She returned and now nobody knows where she is..."

Ales CHAS

STATE COMMITTEE ON PRESS AIMED AT "IMYA"

In the end of May the editor's office of the "Imya" newspaper received a warning from State Committee on Press. That is already the second evidence of extreme attention to the editor's from the beginning of the year. First time it was warned in the middle of February for the article of the Chief Editor Irina Khalip about the presidential elections on June 16.

This time the reason for dissatisfaction of the officials

was the report titled "Festival that resembles 'Kinatav'" The report maintains that the President Lukashenka visited a Russian town Sochi without producing much stir while a cinema festival was being held there. Some participants of the festival from Russia intended to leave the Hall at the appearance of the not-invited but notorious President, the reporter affirms. The State Committee doesn't intend to argue on the point of the

degree of respect to the President. It insists that Lukashenka didn't visit Sochi at all.

The Chief Editor and the author of the report, Irina Khalip, said she has witnesses and proves of every fact reported in the article about the "Kinatav" festival. Ms. Khalip in our conversation didn't exclude the possibility for the newspaper to appeal to court. But we should mind the absence of results of other appeals to court by other democratic press. The appeal

of "Imya" can even fail to be accepted, but the two warnings from the State Committee leave the newspaper a perfect chance to be closed by the authorities. I remind that another democratic issue - "Naviny" is in the same situation. According to the existing law "About press and other mass media" if the editor's office has received 2 warnings within a year issue can be "suspended."

Tatiana SNITKO

MIKHAIL PASTUKHOW:

"BELARUSAN PRESIDENT'S TERM OF OFFICE EXPIRED ON 20TH OF JULY..."

Mikhail Pastukhow is an ex-judge of the Constitutional Court of the Republic of Belarus. When in the end of July, 1996 it became clear that the attempt of the President's impeachment was to end unsuccessfully judge Pastukhow, in principle, remained of the same "special" opinion. Now Mikhail Ivanovich is the Head of the Fund of legal support to mass media. But our conversation, which took place before the 20th of July, was dedicated not to the freedom of the written word in Belarus but to the methods with the help of which Lukashenka managed to prolong his term of the presidential office.

— *Mikhail Ivanovich, the term of office of the first Belarusian President is coming to its end. But Alexander Lukashenka doesn't agree and is not going to leave this post. What are the proceedings of power transition stated in Belarusian laws and by what legal documents these proceedings are regulated?*

— In the Constitution of Belarus adopted on March 15, 1994 the term of the presidential office is clearly stated – five years. And this term is counted from the moment of taking the oath by the President in which he (she) swears "to serve the people of Belarus, to execute the Constitution and the laws of the Republic of Belarus". As it is widely known, the first President of Belarus took his oath on July 20, 1994. It means that his term of office is to finish in five years, that is on July 20, 1999. The Constitution of the year 1994 doesn't stipulate for prolongation of the term whatever the circumstances. The same regulations are stated in the Law "About the President of the Republic of Belarus", adopted in March, 1994. The same words are written there.

According to the new wording of the Constitution the President reserves his plenary powers. The term of his office counted from the day of coming into force of the present Constitution. In this case the question arises: which Constitution should be considered "The present one?" The President's legal experts who prepared the new wording of the Constitution based themselves on the fact that this is not a new Constitution but only alterations and additions to the Constitution of 1994. It means this Constitution remains the principle one. Even proceeding from that unfortunate formulation in the new wording of the Constitution the term of the Presidential office is over. Though, on the

other hand, in one of the articles there are words in brackets saying, that this very wording is "the present" Constitution. So, there is a kind of variant reading...

— *But if we read Article 144 the term is not stated there. Neither 5 years nor 7 or 10 years...*

— You're right. It means the term of the Presidential office remains the same – 5 years. Besides, I should note that the "Final Transitional Regulations" are not a complicated part of the Constitution. They always exceed the limits of the Constitution. Usually, the law on the procedure of the coming into force of the Constitution is adopted. As, for example, it was when the Constitution of 1994 was adopted – the legislative branch of power confirms in this way the procedure. The peculiarity of the "adoption" of the Constitution's new wording is that it wasn't confirmed by the Supreme Soviet. It was confirmed by the President. There exist the so-called law "About the Republican referendum of October 24, 1996 in the Republic of Belarus" – a "law" of October 26, on that day it was signed by the President. One hundred and three deputies stated and confirmed that "an October 24 in the Republic of Belarus the binding referendum took place". But it cannot be considered a statement, a decision. What does "to confirm" mean? The Supreme Soviet must confirm the results of the referendum – it wasn't done. That fact also places the results into the questionable position. In the voting paper it is said that "in accordance with the resolution of the Constitutional Court of October 4, 1994 the referendum on the changes and additions to the Constitution can only be of the recommending character."

It means that citizens of Belarus voted for the changes and additions to the Constitution as recommenda-



Mikhail PASTUKHOW

tions which were to be taken as the basis by the Supreme Soviet and adopted in due form. But, nevertheless, this regulation was gravely violated. They also fixed many other violations, committed before, at the time and even after the referendum, that, to my mind, gives us the right to claim: from the legal point of view the results of the referendum are worthless, we cannot trust them. And, as a result, the new wording of the Constitution, in accordance with which the term of the Presidential office is prolonged, cannot be considered legitimate.

— *It seems to me, that before the referendum when the bill discussed few paid their attention to the possibility of prolongation of the term of office. Against the background of other violations this, perhaps, seemed a trifle?*

— I agree that a few people, even legal experts, had read the new wording of the Constitution. I also think that people who worked out this Constitution could have altered and changed the project of the Constitution after it had been proposed. It is another evidence that people voted not sensibly for the new wording of the Constitution.

— *What was happening behind the walls of the Constitutional Court in October, 1996 (we all saw only the outward side of the events)?*

— Naturally, one could feel the same tension in the Constitutional Court as in our country. The President's actions led to the situation when there were actual and legal grounds for impeachment. In the morning on October 19 Yuri Zakharenka brought to the Constitutional Court, to the office of Valery Tsikhinya, the Head of the Constitutional Court, the declaration/appeal of seventy-four Supreme Soviet deputies. They proposed to the Court to consider the question of the violations of the Constitution of the Republic of Belarus, committed by Alexander Lukashenka.

(To be continued on pp. 4-5)

ECHO

"Spring '96"
The Bulletin of the Human Rights Centre

3 THE RIGHT TO FREEDOM

"BELARUSAN PRESIDENT'S TERM OF OFFICE EXPIRED ON 20TH OF JULY..."

(Continued from p.3)

At that time we were in the reception office with one of the judges. We wanted to see the Head but the secretary didn't let anyone to enter his room. When asked who was there the secretary answered: "An old friend". We would come and leave the office but for more than an hour and a half we couldn't get to the head. It was an unprecedented case, because we always had the access to the Head. At last we entered. The Head of the Constitutional Court was talking with a slender man with a mobile telephone. He said to us: "All the questions later!" and quickly disappeared somewhere with the man. In some ten minutes we learned from the journalists that Tsikhinya went to the meeting with the President. About an hour later he returned, gathered all the judges and announced that he had had a meeting with the President. The President asked him to wait for three days – he would consider the possibility of recalling this project of the Constitution from its discussion at the referendum. Tsikhinya asked the judges to meet with the President one more time.

Several judges, including me, affirmed that we were not going to meet with the President when there was a suggestion of impeachment. We said it was inadmissible from any point of view. But, nevertheless, the Head of the Constitutional Court was eager to meet with the President after he returned from one of Belarusan towns where he was carrying out a propaganda campaign in support of the questions for the referendum – and he asked the judges not to dismiss. That day we waited till about eight p.m. At that time I noticed that some judges had the copies of the declaration – appeal with the signatures of the Supreme Soviet deputies. They had already been multiplied and handed out to the judges. For me it was rather surprising as we had an agreement with the Head that he would keep the documents in his safe. But the documents had been already circulating in the Court.

In the evening the Head returned, gathered the judges and said that he had been asked by the President not to consider this case till Friday. He might recall his project of the Constitution from referendum.

— Three days of adjournment?

— Right. The Head of the Constitutional Court gave the President the three days. But the proceedings of impeachment were instituted on insistence of the majority of the judges. Three judges – speakers were appointed. I was one of them. We insisted on the case being considered immediately, next day. But the Head of the Court said he had given his word to the President and the Constitutional Court wouldn't consider the deputies' appeal of the President's impeachment earlier than the 22 of October. It was a matter of honour. We

had to agree with him. We started preparations for the case consideration. We made inquiries to the corresponding institutions, invited the experts, numerous witnesses who could give important and necessary information on the case. In particular, on the cases of the violations of the Constitution by the President's decrees. But as we got to know next day the list with the deputies' signatures was handed over to the President's administration. And the administration started an unprecedented pressure campaign. The deputies who had signed the appeal were called to the administration's office, they were intimidated and compromised. All the possible methods were used. As a result by the 22nd of October about 11 – 12 deputies had written appeals of recalling their signatures. Yury Malumaw, the Deputy Head of the Supreme Soviet, signed these appeals, though he was in hospital at that time and what he did was unlawful. Symyon Sharetsky, the Head of the Supreme Soviet and his other deputies refused to sign the appeals. The deputies who recalled their signatures would bring their "refusals", verified by Malumaw even without the Supreme Soviet Seal. In fact, I have these deputies' names, but it doesn't matter now as they had been exposed to very severe pressure.

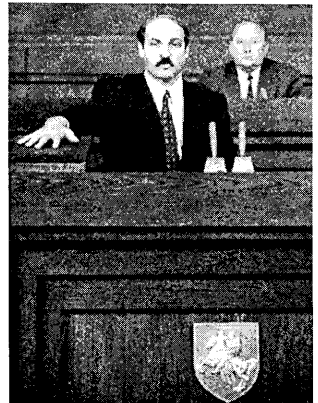
The judges of the Constitutional Court weathered the same pressure. They phoned us from the President's Administration, our acquaintances approached us, other methods of influence were exercised. In our building on the 1st floor a KGB officer was added to the usual militia post. He noted everyone who came to the Constitutional Court. I think (and I am even sure) that our building, all our telephone conversations and the hall for our meetings were heard by KGB. Under such circumstances it was hardly possible to expect the Constitutional Court to pronounce the decision on the violations of the Constitution committed by the President.

Nevertheless on October 22, in the morning at half past nine we gathered to start court proceedings. Many had their gloves on. But half an hour before the proceeding the Head of the Court called a sitting. He returned from the night meeting at which the agreement on the social-political situation in the Republic and the Constitutional reform had been signed. The head said that long-awaited peace was signed a peaceful agreement between the President and the Parliament; he said we were going to solve the problem of impeachment with "peaceful methods" and we wouldn't need to consider the case. But a number of judges, including me, said: "Why cannot we start the proceedings? We must do it, if the participants of the proceedings are gathered we must make a decision." The Head ordered to inform that the court proceedings was adjour-

ned till two p.m. The deputies and the Supreme Soviet representatives took offence. He gave them the same explanations. It was peace, there wouldn't be blood-shedding and on that day the deputies should approve this agreement and the programme of the way-out from the Constitutional crisis. They also should recall their signatures. But by 2 p.m. nobody had recalled their signatures, there was no letter and the court proceedings were adjourned again.

— Did Valery Tsikhinya believe his own words or he was intimidated somehow?

— I am almost sure that the Head of the Court was shown some compromising facts because I had never seen Tsikhinya being in such condition, as with that slender man with a mobile telephone (later I learned his name and now this man is among opposition). Tsikhinya was red-pale and it was clearly seen he was seriously disappointed. He couldn't just go to the President. Before these events they hadn't met for a year. Lukashenka claimed this resignation as he didn't justify his confidence. But, nevertheless, Tsikhinya got the support of a number of the Supreme Soviet deputies and didn't agree to resign. In such situation only extreme circumstances could make Lukashenka meet with the Head of the Court. In its turn, only extreme circumstances could make Tsikhinya meet with Lukashenka. I was sure he shouldn't have met with the President he should have stood his grounds, preserving lawfulness and principality. Nevertheless, the Head began to insist on the suspension of the proceedings and to incline the judges to such a decision. He made an unprecedented step and called a meeting on Saturday



July 20, 1994 – A. Lukashenka swears an oath on the Constitution "to be guided by its provisions". But in one year term he will change the Constitution completely...

(October 26). But the judges didn't pass the decision to close the case.

— *It was too late...*

— In principle, it was late, but there were not enough votes to close the case on impeachment. On October 26 after the victorious results of the referendum had been announced the decision to step the proceeding on the impeachment case in the Constitutional Court was made. And one more impressive thing — on the same day, October 26, a group of deputies met at the President's Administration and passed their strange fateful laws. One of these laws was "About the cessation of the case proceedings in the Supreme Court on the fact of violations of the Constitution of Belarus by the President of the Republic of Belarus". This law which resembles a decree was handed over by the assistant Head of the Constitutional Court to the official sitting. It consisted only of two points: the proceedings on the case of violations of the Constitution by the President ceases; the law comes into force from the moment of signing. It was not a law at all. But nevertheless the deputies, gathered at the Administration, passed this resemblance of the law and gave it to the judges of the Constitutional Court. At that time we were having our official meeting. We met to finally decide upon the case of impeachment. The situation was difficult and complicated. The judges' mood was psychologically damaged. Everybody realised that the decision of the court was senseless. And the resolution to cease this case was passed by the majority of votes. Because of the fact of recalling of signatures by the Supreme Soviet deputies, I was against this decision. I tried to persuade the judges that this case was of public carrying-out and it didn't matter that several signatures had been recalled. If the case was opened in the prescribed way it should have been finished. But my considerations were left not supported...

Shortly after that it became clear that the Constitutional Court finished its activity as the new wording of the Constitution came into force. The judges voted against bringing question of the Constitution to the referendum on 4 November and they decided to consider the results of the referendum as having only recommending character. Six judges signed in their resignation to the President and he accepted. I signed in my resignation to the Supreme Soviet but it had already been dismissed and couldn't decide upon my appeal. When the new composition of the Court began to form I was dismissed in accordance with the President's decree "in connection of the end of the judges term of office". It means I was dismissed by the President after three years and a half of work. An unprecedented case in the history of the Constitutional Court.

— *What was your term of office?*

— It was eleven years. And I was elected by the Supreme Soviet. The President had no right to dismiss me. But in the new wording of the Constitution he wrote he had the right to dismiss the judges. This very right was exercised towards me. Vasilevich (the new head of the Constitutional Court — T.S.) advised me not to be a man of

principle too much, (especially in my appeal of resignation) to get a substantial financial support and not to have problems with finding a job later. But after the President's decree I was dismissed without any financial support which is usually given to people who lose their jobs.

On October 27 the new wording of the Constitution came into force after the official results of the referendum had been published a new period in the history of Belarus started life with the Constitution which is not recognised in the world. The Constitution which is thrust on the Belarusians by one person. Now the question is when the President's term of office is over? On July 20 or in two years? According to the Constitution of 1994 which is the only legitimate one the answer is clear. According to the new wording of the Constitution it arises some problems...

— *If it is impossible to hold re-elections of the President in the democratic way according to the law the power is handed over to the Head of the Supreme Soviet. But in practice it is impossible to foresee the development of events. In this case the army, militia, government are subordinate to the Head of the Supreme Soviet, Syamyon Sharetzky... It stands to reason that many people are tired to bear unlawfulness and fear. A number of political parties call people to the streets on July 20 — 21. So help to solve this dilemma. On the one hand, people have the right to show their protest, especially if the authorities commit unlawful actions. On the other hand, nobody has disaffirmed laws and decrees yet, they are in power. Can Belarus find itself in chaos of unlawfulness and disrespect from both sides (as it is too difficult to stand disrespect by one side)? And one more thing: how can the country avoid the chaos of unlawfulness in practice?*

— Right, the President is not likely to hand over his power after July 20, he will preserve it. But he won't be the President according to the Constitution. He will be the Head of the country who has taken the power by force. So from the legal point of view people can stand up for themselves and raise their claims. Claims against unlawfulness. But we also should take into consideration that if the President loses his legitimate power he preserves real power. So, the authorities security service, militia, state officials will still support him. And if people will go in the power will exercise every possible method to influence them. We cannot also exclude arrest. In any case the power will defend itself. That is why it is difficult to predict anything... It is highly probable that Lukashenka holding the highest position in the country will declare the state of emergency. He is likely to forbid activity of the press and political parties. He can bring in patrolling of the streets. There is enough of militiamen.

I think that if people pronounce their protest to the authorities the authorities will exercise power. A civil war can emerge. Or the dictatorship in its classical way: with severe repressions, arrests, exterminating of people.

Interviewed by
Tatiana SNITKO

LISTEN TO OUR OWN MUSIC!

The situation with our own Belarusian culture in Belarus is so absurd and unique for Europe that for a person from the normal world is hard to understand its essence without a long explanation. The official authorities have practically made the culture of national majority go underground. Because everything Belarusian, as they believe (by the way, they have grounds) is opposition and consequently it's hostile. It mainly concerns youth, alternative culture, and first of all — music. To say nothing about help and support. The most important is not to disturb. But can you imagine it? Ban or problems with concerts of Belarusian-speaking groups, to which the youth comes with national white-red-white flags are common things. Only very best ones manage to be shown on TV or to be heard on radio. It could be accepted if the country developed in a normal way, if business undertakings and initiatives were not suppressed. That's why groups and singers haven't practically sponsors. It means that they can't afford to make a clip, to release a disc, to record a cassette...

But Belarusian musicians have learnt to survive, to work in an interesting and effective way in such circumstances. Not so long ago the Belarusian Music Initiative (BMI group) released the first Belarusian CD called "Free dances: listen to Belarusian". Apart from BMI group, human rights organisation "Belarusian Helsinki Committee contributed a lot to the release of the disc.

The peculiarity of this disc is, - it's written in the annotation to CD, - that it's the first throughout the Belarusian history of independent music composition where only Belarusian singers are gathered: famous and unknown ones. There will be "pop-grunge", pop, electronic, noise, jazz folk, pagan, rock — everything that makes up independent music of independent Belarus. Some groups will show up in the unusual role — this is an attempt to destroy stereotypes, which had been made up to that time. We hope that this CD will destroy one more stereotype of so-called musical limits...

The appearance of the disc — is one of the results of concerts — actions "Free Dances", held by BMI group from 1998. Belarusian-speaking groups united around them. In the record of the first CD took part famous groups: "Ulis", "Palats", "N.R.M.", "Kriwi", "Novae neba", "Krama", "Neiro Dubel", "Kamelot" and the ones which are known only in Belarus "Myastsovy chas", "Znich", "Zygmont Vaza", "Postscriptum", "Deviation"...

The authors of the project are thankful to all who "helped and didn't interfere", as you understand now why, as well as to musicians and musicologists, editorial offices of "Nasha niva", "Naviny", "Imya", "Belaruskaya maladziiozhnaya", "Pagonya", "Belaruskaya delovaya gazeta", "Brestsky kur'er", "Narodnae slova" (Vitebsk) and others.

Our correspondent

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The Bulletin of the Human Rights Centre "Spring '96"

5 THE RIGHT TO FREEDOM

CONFISCATION

1.

On October 5, 1994 a new president adopted one of his first decrees, in which he prohibited juridical persons to make any deals in cash. All of us know that cash is likely to find owners easily and quickly. That's why this decree can be considered progressive: dishonest officials would have difficult times.

Neither Ales Kasach, farmer from Liuban nor head of a collective farm in Slutsk district, where Ales bought a number of pigs, knew about this document. It would have been all right if he hadn't paid in cash. But both of farmers felt the force of the new decree – unawareness doesn't guarantee the possibility to avoid punishment.

Later – just a common procedure. Minsk Regional Administrative Court examined the suit of a tax inspection, concerning the penalty and Kasach got a full punishment – he was fined for 500 million roubles. To be exact the fine was 538 million 482 thousand 960 roubles. It was a huge sum of money at that time.

The head of Slutsk, meanwhile, went to Minsk to make an appointment with a chief tax inspector. Nobody knows what he said and how he tried to justify himself. But it's known that Tax Committee is entitled to nullify the fine in case of hard economic condition or let pay it by small parts. To make it short, the head managed to come to a common agreement.

Ales tried to dispute, he was ready to pay the reasonable fine but not half a billion. It didn't do: the judicial mechanism goes straight for hard, there is no way back.

Ales Kasach didn't pay the fine. What's more, in May he got to know that he didn't have to pay it because at that moment he was not a juridical person.

Liuban tax inspection met the farmer half-way: he was granted a grace. It was necessary to find grounds for re-examination of the verdict. But finally the inspection was forced to use extreme measures because the loss was in their responsibility.

2.

Nevertheless the judicial process went on.

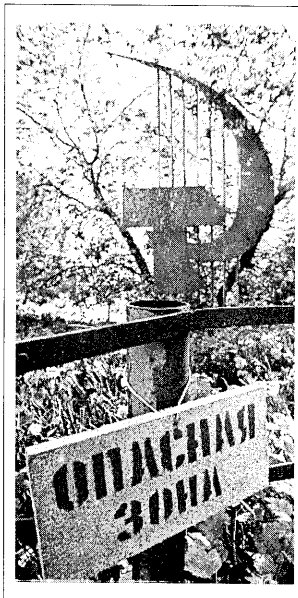
It was decided to confiscate a part of farmer's machinery in order to clear off the fine. Ales went to Liuban, to meet head of District Executive Committee: he wanted to stand for the machinery – it was time to sow.

At that time in his own house the events were going on in the following

way. The workers were involved in sowing peas, his wife Galina was in change of the farm. At that moment a seizure group arrived, headed by a court executive Mikhailai Ramanchuk. There were 3 militiamen and a representative of tax inspection in it as well. The militiamen felt at ease and advised Galina not to sign the document, written by Mr. Ramanchuk. She did so. Tax inspector refused to sign it as well.

To be frank, the document was a little doubtful and was written illegally. But the most important thing was that the machinery – tractor T-25 and car GAZ-53 didn't belong to Kasach, it was his sister and partner's property, it belonged to Valyantina Yanushkevich.

I explain: at first there were 2 farms: "Kasach" and "Yanushkevich". Later they united and formed Ltd. "Airys-Service". The tractor and the car are



contribution of Valyantina Yanushkevich and her son to the initial capital of Ltd. They tried to explain it to the court executive. But as it's known, one hears only what he wants to.

Mr. Ramanchuk ordered to unhook the tractor from the sowing-machine and to take it to Liuban. The tractor "got offended" and suddenly stopped on its way. To a great joy of executives, the car was more successful and drove to its destination.

Let's consider the results of a successful financial operation. The sowing failed, the machinery is kept at a

motor-transport depot, because under the law it can't be sold – Kasach is punished but in fact it doesn't belong to him...

At that time Kasach was waiting for an appointment with Ivan Makarevich, head of District Executive Committee. Head listened to him and promised to help. Ales trusted him but when got home, he found his wife crying and the sowing-machine without the tractor.

He went to Liuban again, again he spoke with the head but that time he was made to get out of his office and he was shouted at: "An insolent fellow!"

One can understand the head. All collective farms hardly survive and this farmer who wants something? Ivan Mikhailavich is responsible for them, but not for Kasach. There is a verdict: just or unjust it's the least important, but if it's it should be fulfilled...

3.

What are the main roots? In the first case the Administrative Court punished Kasach for paying in cash without being a juridical person. In the second one, one and the same court didn't examine Valyantina Yanushkevich appeal, because she was not a juridical person.

The matter is, when economic subjects were being registered, neither Ales's farm nor Valyantina's one were registered as juridical persons. In order to be a juridical person is necessary: a stamp, registration in the tax inspection, registration in the Ministry of Statistics and a bank account.

That presidential decree concerns only juridical persons. Thus, there were not enough grounds to fine Kasach. Just to prove it: on April 30, 1997 Minsk Regional court was examining Valyantina Yanushkevich case concerning the credit, given on sowing and spent in another way. To make it simpler, that money was spent on buying slate. Liuban tax inspection filed a suit for almost 93 million (perhaps, they are experts in economic needs). The court refused to examine the case on the ground that Yanushkevich was not a juridical person. It happened in April, but three months later the same court fined Kasach though hadn't been juridical person as well. As they say, one should drink in order to understand...

Ales got to know about all those details in court. Even the judge told him that he was right, that he should fight. It's good, without any doubts, but when to work. Besides a new problem arose: where to get the document that at that time you were a person but not a juridical one. Its absence didn't give hope.

Besides, Kasach had lent 300 million as credit and the same sum covered the interests. But he wasn't

afraid of repaying. But the fine and the following confiscation changed the situation completely.

The conclusion is, unfortunately, familiar: you have to know the laws. Their unawareness is our chronic disease, but not only his.

4.

Together with Kasach we went to Liuban to get that document. In the District Executive Committee several meetings were being held. The heads were meeting, the youth was discussing the problems of patriotism and collective-farm economists were talking about the work without losses. One remembered of old times, when our life was under the slogan "Not a single day without meeting!" A district Board of honour was consistent with that memory. An awful concrete building had colourful pictures of those whom that district was proud of. We stood near that scarecrow smoking and made up an aphorism: when Boards of honour appear, products disappear. Because such people as Ales Kasach disappear as well.

I have known him for 9 years. He is not an angel, but who could say about himself so? But he doesn't do anything illegal. According to his forces he wants to introduce Belarusian products to Belarusian market. He believes that if he finds money, he will succeed.

A naive child. In the country such people are aliens. By the way the house in the nearest village, the office and premises were set fire to not by saboteurs from FBI... Those who make decision whether to live well or not are directed towards dim villagers. And they entirely support them. Including decrees, laws and life experience, when an owner and farmer is suppressed locally.

The farmer had had great plans. In the village of Urecha a shop and cafeteria were almost finished to build but the building was made to stop. Two driving shops were almost ready as well. He had other intentions. It's no use to mention them now. On May 14, last year Ales took part in the opposition march. He had a towel with a stork on – a symbol of a native house. He was detained. They put an end to his action of protest. Ales was released soon afterwards, but it isn't the funniest thing. If he had been sent to prison, farmer Kasach would have been offered his own peas: he sold 13 tons of peas to the prison in Apansky street, and 3 tons to the custody centre in Valadarsky Street. As a spare way out – 5 tons to the custody centre in Zhodzina. The militia pays at once without delay. They are beneficial partners. Meanwhile, the car MAZ and tractor MTZ were confiscated. The process goes on. The process of destroying "alternative" economy by "legal means" goes on.

Andrey SYARZHAN

OUT OF LAW

(Continued from p.1)

But, it happened so, that the Russian authorities, and Russian opposition as well found themselves in the same situation: they all were interested not to let Belarusian well-wisher wander on Russian space. They are not so afraid of "collective-farm groom" (these are Zyrnovskiy's words) – though there is such a possibility, but why should they have one more unpredictable competitor before coming elections. He is unpredictable because politician Lukashenka has never played "fair play". As one observant man put it – while you think over the next move, he will strike you on the head with chess board... Thanks to such "tactics" and to true lies and unfulfilled promises, to electorate (which is beautifully called populism), Lukashenka has won the elections and referendum in Belarus. Having acquired experience on "Belarusian ground" who knows how he will act on Russian one...

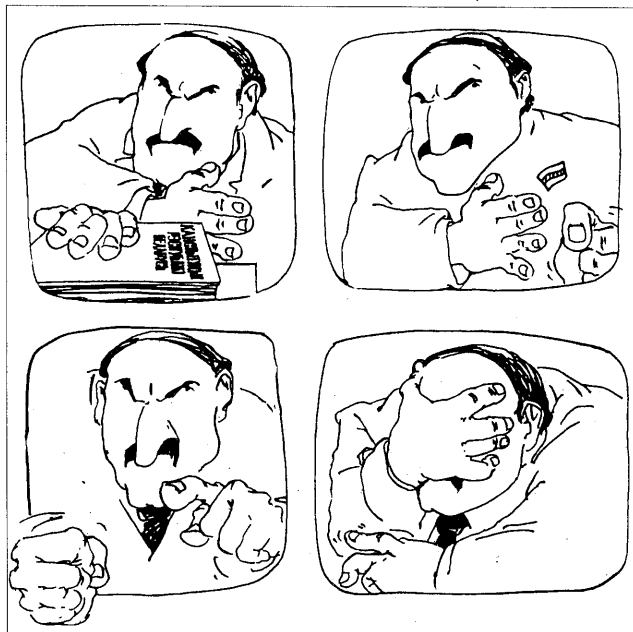
Of course, there were other reasons as well, and that's why Russian government has not dared to incorporate Belarus. But the fact is the fact: during his legitimacy Lukashenka failed to hand over Belarus. The unification documents, signed by him before the 20th of July, though not recognised by the opposition and the world community could have been valid just because they were signed by a real democratically-elected president. After the 20th of July, when a 5-year term expires, any decision adopted by the President can be

considered illegal. Russian authorities postponed the unification of Russia and Belarus till autumn, and by doing so they in fact betrayed their close ally. And it's not by chance that in one of his recent speeches Lukashenka threatened Russia that he had ordered the Belarusian government to turn its back upon Russia and its face upon the West, as in the famous Russian fairy tale. It looks like blackmail, nothing else...

Lukashenka had once a chance to come out unscathed. He could have participated in the elections, scheduled by the legitimate Supreme Soviet and held by the opposition on May 16 or could have played in democracy and have appointed early elections. He had a very good chance to win it with the help of its officials. He had. But today when more and more people speak that during his 5 years term of presidency he hasn't fulfilled any of his pre-election promises, that every year the life of people is getting worse and worse, that people are sick and tired of lack of money, of product and goods shortage, of queues, of inflation, hopelessness... public opinion is the following: let anyone else be president but not he is, he failed, let anybody else try – there are a lot of such directors of collective farms...

Thus, beginning from the 20th of July Lukashenka is not a politician any more. There is a dictator, who likes to rule people and who doesn't want to loose his boundless power over them.

Andrey NALIVA



ECHO

The Bulletin of the Human Rights Centre "Spring '96"

7 THE RIGHT TO FREEDOM

"WE WERE DOING OUR DUTIES..."

THE JOURNALISTS – EYE-WITNESSES OF THE TRAGEDY ON NYAMIGA – SPEAK

As it's known, Human Rights Centre "Viasna-96" is entitled to be an executive body of Public Commission for investigation of the tragedy on Nyamiga, which took place on May 30. We would like to present to the readers of our bulletin "The Right to Freedom" some materials, concerning the violation of freedom of speech by militiamen during the events on May 30 on Nyamiga.

Shortly after the tragedy the prosecutor's office through Mass Media appealed to citizens, to those who witnessed the tragedy to help the investigation. They way the authorities treated the journalists, who were doing their duties metro station "Nyamiga" and near it shows how far they were interested in telling the truth about the tragedy. According to our investigation, most of valuable documentary materials (films) were destroyed or confiscated immediately, on the scene of tragedy. By doing so, the authorities violated not only journalists' professional rights but also rights of citizens of our country to get true information.

Law on Press of the Republic of Belarus guarantees:

Part 5, Article 39: "Journalist is entitled to be present in the district of disasters, accidents and calamities, military actions, on the territory of emergency, at meetings and demonstrations and so on..."

Article 32: "Citizens of the republic of Belarus have rights to get a timely summary through Mass Media about the activities of state organs, public organisations, about political, economic, international law and environment."

That's what the law says. What was in reality?...

Anatol tells (we don't give his surname so far) – a press photographer:

"I started taking pictures when I saw that heap of bodies inside the passage. Meanwhile the militia was trying to force the people back. But to my mind, they had other intention – to break them up. I took pictures of it from the beginning to an end. It lasted 10 minutes. I understood how serious it was when they started to carry out dead bodies through the other exit."

— *From the side of the Cathedral?*

- Yes, common people, those who had forces were carrying out dead bodies. From where I was, I couldn't take pictures, because I had been warned not to do it.

— *Who had warned you?*

— A militiamen. It was getting dark

and the flash was rather strong. It attracted the militiamen's attention. First, there weren't many militiamen, but later they arrived and one of them warned me not to take pictures. I crossed the street and was on the side of the Cathedral and started to take pictures. I tried to get inside, but it was impossible. I was lucky enough to take pictures of first victims. But I managed to photograph how it was happening.

— *What was going on from the side of the Cathedral?*

— I was photographing. I didn't know whether those people were dead or not but looked awful. The militia had been already there – some persons, later there came more – practically when it was over. I didn't see them helping the victims. I saw a woman-doctor helping and later I got to know that she died. She wasn't lucky, she didn't know what the crowd is and tried to help. I saw her in the crowd – she was trying to pull somebody out. During those ten minutes they were pulling out those who could be pulled out, as to those who were suffocating there – it was practically impossible to help them. Meanwhile the militia cordoned off the territory not to let anybody enter, but it had been already late – they hadn't done it in time. I believe that they didn't react to the situation in the way they should have done – they were not united. They should have been grouped in one place not to let people walk in but they failed to do it.

— *Who was helping the victims?*

— Mainly those, who managed to survive.

— *Were the militiamen giving first aid to the people?*

— I hadn't seen. Maybe they were, but I personally hadn't seen. They were helping somebody to get out of the passage but there were not enough of them.

— *When did they pay attention to you again?*

— I had been warned: Guy, don't do it, and later they simply broke my camera. It was at about 20.35 – 20.40. I managed to make 2 films, 36 pic-

tures each. One film was in camera, the other I was deprived of. It exists somewhere. But I was recommended not to do anything to get it back, and in general not to attract attention to myself.

— *Who had recommended it to you?*

— A lawyer. He said – you'd better not institute any criminal proceeding: it would cost more for you, they would make a scope-goat of you, would call you a "dishonest journalist". What's more he advised to not attract attention to my personality, the less people know you, the best. I agree with him, I won't institute any criminal proceedings.

— *When they were trying to get the film, did they abuse you?*

— The fact that my camera was broken may be said to be violation, and they got a little in me with truncheons. There would have been a scandal in the USA, here it's not said to be violence and you can't prove anything. Everybody saw it, but there won't be any witnesses.

— *You didn't go be examined after being beaten up or it wasn't painful?*

— It was, but there are no traces left.

— *Were there any other journalists, press-photographers?*

— There were journalists from Russian TV companies – Independent TV, Russian TV present at the holiday – but there are pictures before and after the event – as to that what was going on in the passage – there are not, though I believe they took pictures. I saw the press-photographer unfortunately, I don't know his name, take 3 pictures and he was beaten up and I intimidated not to do it.

— *Do you believe that by taking pictures of dead bodies, you had broken somehow professional and human ethics?*

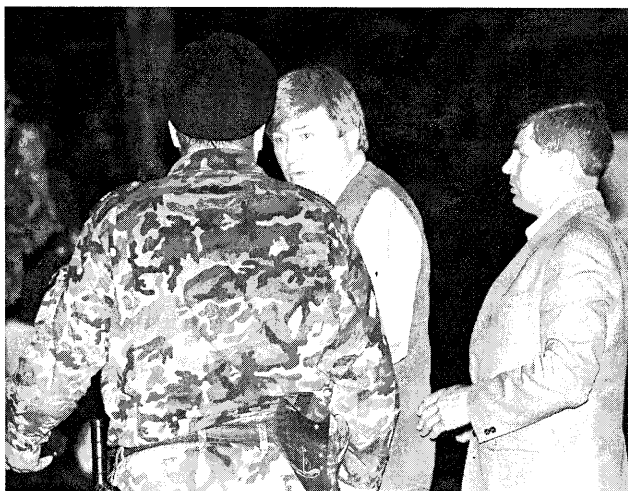
— No, I don't think so. I believe that everything should have been published. For a example that act of looting which I managed to take. It happened so: the girl in the passage was suffocating and I saw the hands which reached her as if to pull her out (the girl couldn't move), but all of a sudden those hands took a chain off disappeared. I took a picture of it – the picture should have been very vivid.

Sargey tells (we don't mention his name so far), a press photographer:

"I believe that I was the first among journalists to come, but up to that moment all dead and wounded had already been taken away. Special troops

had cordoned off the passage. There were two ambulances, but they were not required – perhaps they were ones. On the first upper step there was general Tarietsky and about 20 officers and men in civil – officials. From my appearance there, the militia reacted quite fiercely at any pictures. It was the same with my colleagues from other TV companies. One of the arguments: don't take pictures of special troops. Besides they were moving us back. As it was getting dark, it was practically impossible to take pictures from those places. The other argument was: don't take pictures of our heads (maybe general Tarietsky and other city officials were meant). Identity cards and references to the law on Press, to the article saying that journalist has a right to work without accreditation on emergency territories didn't work. It was the order – not to let the press work. Special troops referred to it: we are ordered, you should understand us. But there was one of them (I know him in face) who told us in half of a voice: guys, you have nothing to do there, the officials order to drive you off, you'd better go to these addresses, there you will find everything. We did so. We had nothing to do and together with my colleagues I went to ambulance hospital. Near the casualty ward there were 3 – 5 ambulance cars, which were driving in and out, bringing the wounded. We started to take pictures. There were 3 sergeants on duty and they needed 3 seconds to realise that press had come that they were taking and that it was time to work. They were at a loss for a moment and we managed to take some pictures: the way the wounded were brought, some of them were walking themselves, still others were on stretchers... It was at about 11 o'clock and we were not the first, - we saw about 10 people being brought: some of them were unconscious and they were taken on stretchers, others tried to walk themselves. 10 seconds later doctors, militia, which put our arms behind the backs, locked us in a room, which looked like asylum for homeless, one by three metres on the ground floor. There was a homeless there. We had been kept there for 5 – 7 minutes, then we were released, we attempted to photograph but we were ousted in the street. We kept on working there and were again taken to that room where we were kept for 5 – 7 minutes. There were not any attempts to take cameras. We shoed out identifications and they understood that they were dealing with journalists: strong equipment and our actions were rather determined – we had no intentions to hide to do anything in the dark. We were forced farther from the entrance to which the cars were coming. They called for help, for their heads – the car arrived with 3 or 4 militia officers, with whom we tried to clear our relations. The man who introduced himself as deputy head doctor, called for head doctor, who rather categorically refused us to take pictures beyond the casualty ward. He said that we disturbed their work. Finally we were allowed to photograph in the doorway, on the porch.

(To be continued on pp.10-11)



Close-ups which were saved. On 30 May in the evening, people "wearing civilian clothes" and militiamen try to explain journalists their rights

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9 THE RIGHT TO FREEDOM

"WE WERE DOING OUR DUTIES..."

(continued from pp.8-9)

It was rather late for the wounded to be brought, the stream of them came to an end. Later we found the dead body of a girl: just on the threshold, on the floor – unprotected, there was no one nearby.

With the help of force they ousted us, and we in our turn demanded not to interrupt with us. They were in three, we were in two, with a lot of equipment, we didn't resist a lot and it goes without saying they won."

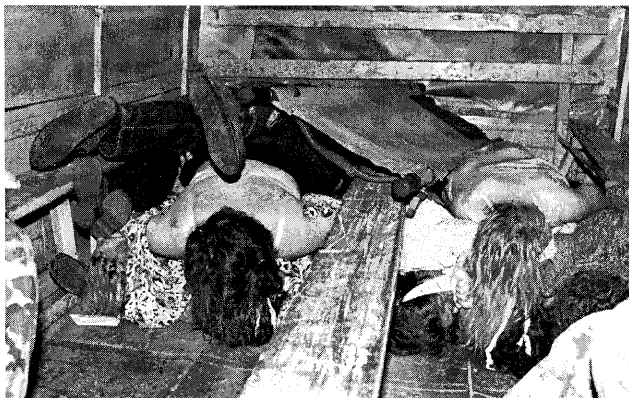
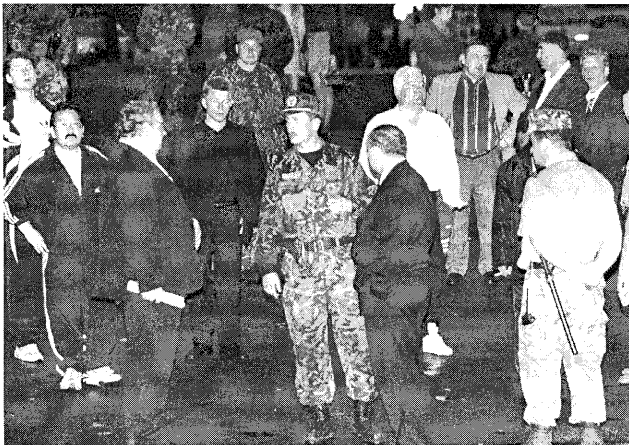
Pavel Zhuk tells – newspaper "Navy" editor-in-chief:

"It was at about 1 o'clock in the morning when we arrived at ambulance hospital again. We went to the morgue, but all of a sudden a covered

car, guarded in front, behind and from the sides. It turned out, that dead bodies were brought. We rushed there. I was together with two other press-photographers. We came up to that car and saw dead bodies inside. I tell

— Take pictures, quickly!

At that moment the militiamen were not looking and the guys managed to take several pictures. But hardly had the militiamen seen flashes, they rushed toward us... A captain ran up to us and asked for our accreditation, studied them carefully and wrote them down. He told us that he would ask for permission to take pictures. At that moment they started to unload dead bodies – 16 ones – they can be counted on the photos.



Close-ups which were saved. On the top photo: police and city authorities near the tragedy place. At the foot of the page: in this way the victims of the tragedy were delivered to the hospitals.

I believe that to take pictures of the events is not against moral rules. What is more, to show how they treated those dead children is obligatory. The militia was of no help, they were occupied with other things – they beat up the guy, who was taking pictures during the tragedy. He was there when it started. The militiamen run up to him, beat him up. He had taken two films – from the very beginning up to the moment when drunk guys started to take gold things off the dead. The special troops broke his camera, took away 2 films. The captain took those films – he destroyed one of them and put the other one in his pocket. They have it. Instead of saving, pulling out people, the militia was cordoning off in order not to allow journalists to witness it, to take pictures, to take notes – as it was in reality. They didn't let us take pictures. There no use in hiding what had happened – everything will be revealed. And the fact that they tried to keep in secret the truth, proves that they felt their guilt. They didn't want people to know that they are not capable of working in very tragic situations, of providing order and security to the citizens, of giving first-aid. And it's normal for them to beat journalists for featuring facts which had already happened. Journalists must show how it is – take pictures, feature it even if there are dead bodies (have a look at pictures from Afghanistan), they should work honestly and in a professional way without falsification".

Veranika Tryzna tells – Interfax Information Agency observer:

"When I came there, I saw my colleagues working. The first impression: one of famous press-photographers is trying to take picture how he is pushed in a rather rude way. And among my first impression was that the people who were going home after the holiday, didn't realise what had happened: they saw the place cordoned off, it means that something has happening. People tried to get to know the truth but the militia told nothing. Then people appealed to us – first of all we put our identification on in order not to be ousted. We started to inform people immediately, started to give advice: if you had relatives or friends at the holidays and you want to know about them, you should go there and there. People in civil came up to us and asked: what are you doing here, get out! We didn't pay any attention to them. When militiamen came up to us and tried to get us out of there, we told them: you are working and we are working, – let's not interfere with each other. We were asked to step aside. All city officials gathered there, but nobody came out to journalists and to people. Only later Yarmoshyn and Tarletsky said that during such events, there should be headquarters, where should be someone on duty – the man who accumulates information: how many people are injured, so that relatives and journalists make use of

official data but not rumours. That panic which was in the morgue and hospitals, could have been avoided if there had been such information. It should have been not for journalists, but for people. It should be mentioned that we didn't suffer hard resistance, but at the same time we were not helped and were not informed. Besides we were forced to be at a certain distance from the scene. Russian TV operator was told to feature here but not there. But for us it has become normal – they don't arrest, it means we can work."

Tsezary Galinsky tells – Gazeta Wyborcza (Poland) journalist:

"I met Uladzimir Dziuba at the scene of accident. He was the first journalist whom I saw – we together tried to get any information from the officials, who appeared on Nyamiga. A colonel came out and said that nothing had happening, it was early to make conclusions, you'd better come in the morning and perhaps you will get to know something but we won't tell anything. At that time last ambulances were going away. We were told: don't disturb, though we said our names, showed our identification. Our words: we don't disturb, you have your work, we have got ours, were of no use. We were ousted. Only one captain said: guys there had been a tragedy, people died, don't disturb. Later people in civil came out to us, it seems that they were from the prosecutor's office and said: wait till the morning, when a press-conference begins. Up to that moment, some more journalists came and we decided to form groups: who goes where. An hour passed while we were struggling with those officials, parents came. Militiamen answered to our questions in one way: we don't know anything, we can't say anything. Every man in uniform said exactly the same things. Nobody wanted to make any contacts, they were more interested in the problem who we were, what we were looking for. When we said that we are journalists they simply turned backs. Near metro station was the only moment of physical abuse: special troops in a proper way started to push us from the passage."

Martin Smyalowsky tells – Polish press agency in Minsk journalist:

"On Nyamiga I met several journalists and press-photographers, even though all of us had journalist's accreditation, we were not welcomed there. There were rumours that people died, but at that time nobody knew what had happened. I together with Tsezary Galinsky tried to approach nearer but we were pushed by the militia. Though it wasn't a violent way but for example, they were covering an object-glass with hands. Then Tsezary quarrelled with the colonel, an officer of upper rank, who came out and asked politely and later in a more severe way not to disturb them. We answered in response that they, in their turn, shouldn't disturb us. He

didn't tell anything about the accident. A man in civil said that official information would be given later. We decided that if wounded and dead were being brought to hospitals, perhaps even to the nearest one (hospital No 2), by the way people around talked about it as well. In hospital No 2 nobody detained us. There were a few militiamen there, but refused to talk to us and to answer our questions. They simply turned their backs.

Uladzimir Dziuba tells – member of Belarusian Association of Journalists, editor-in-chief of the bulletin "The Fourth power":

"I together with Tsezary Galinsky tried to get into the scene of accident, but we were not allowed – it was cordoned off. Only from a distance we saw the inside of the passage: there were a lot of things, shoes on the stairs of that tragic place. We were recommended to appeal to the official, who arrived at the scene of accident, to get information. We walked around, approached the passage where the tragedy took place. But again we were not allowed. When we shoed journalist's identifications, one of militiamen called someone from the officials – unfortunately, I don't remember his name. It was man in civil, he introduced himself as lieutenant-colonel and gave a brief information. We may say that he said nothing. Our identifications were carefully checked. Then he said that he had nothing to add: there are wounded and dead people and he disappeared. A famous press-photographer was at the scene of accident, he wanted to take pictures but he was prohibited to do it. When about 8 journalists from different newspapers gathered – we were told to step aside. The press-photographer was prohibited to take pictures, he was pushed aside.

I would say that special troops didn't behave in a proper way but perhaps we have different ideas of relations between militiamen and journalists. After truncheons, arrests – being pushed into the back can't be said violence, though we protested against it. A sergeant came close to me and said: "Go out!" I told him not to touch me – he has no right to "whip up" journalists. One of journalists from foreign Mass Media was attacked by three officers from the special troops. He was caught by hands, by shoulders, by throat and was dragged. We did for him, and somehow protected. A quarrel began. Special troops explained that they are on duty and they are ordered to cordon off. We answered that we were also working, but not enjoying ourselves. We are entitled to be there and this right stipulated by the law.

I believe that the information about the tragedy which took place, should be detailed true-to-life. And citizens of the Republic of Belarus have right to get it under the Constitution and Law on Press."

BERASTSE INHABITANTS HAVE THEIR OWN EDITION

Information bulletin "Myazha" ("Border") of the local branch of Human Rights Centre "Viasna-96" started to come out in Berastse (Brest).



The first issue is very informative and contains very interesting information. First it features the indefinite action of protest, organised by local human rights fighters and BPF members on Christmas. They had issued and distributed leaflets against the intentions of the President to integrate with Russia. There are also some other articles: "It's time to do away with nonsense", in which V.Barbolin tells about the arrest at Berastse market. U.Vyalichkin publishes "Criminal western" – his own story about the relations with militiamen for the last months about illegal detentions and trials. "R.Pazinkevich in the article "Borders without borders" features the incident on the border with Poland. A.Akhmach and U.Vyalichkin in the articles "With slogan to the square" and "Partisan from Berastse" tell about the celebration of Belarusian Popular Republic declaration in Berastse. G.Samoylenka in the article "How I participated in the census" tells about the conflict when being Russian himself, he speaks out against russification during the census. A.Balashov and P.Panasik in their "A day without foreign words" appeal to all Belarusians not to be ashamed of their own language, to speak every second day of each month the Belarusian language. U.Vyalichkin has founded it and he is the editor-in-chief of this bulletin. He is also leader of local branch of "Viasna-96". Total circulation is 299 issues. The address is the following: 224023, Berastse-23, p/b 46.

We would like to congratulate our colleagues with an interesting and rather fruitful beginning and we wish them success in their further work.

ECHO

11 THE RIGHT TO FREEDOM The Bulletin of the Human Rights Centre "Spring '96"

ALES VECHAR:

"FALSE EVIDENCE CAN'T BE EXCUSED!..."

The history of that man is a vivid example how false cases are made against famous people of our country. Including (or even firstly) famous politicians. And it's not obligatory against politicians from the opposition. By the way, the people we are going to talk about held high posts at the moment of the events. Press used to write about them every day and didn't pronounce any bad words. Later on they were announced enemies and offenders...

I would like people, who are forced to serve the existing regime, closing eyes or having no possibility to express their disagreement, to make conclusions from the history of Ales Vechar from Minsk. While you are reading these lines – it's possible that a fellow countryman is being made to give false evidence against you.

Sooner or later every of us has to make a choice: freedom or pride. Both of the characters of this article chose the second one, though they didn't know each other and hadn't talked about it. Mikhail Chygir is being in prison. Ales Vechar has served the time for not participating in the dirty campaign against prime Minister, who was at that time.

"On 5 June 1996, I was detained. The militiamen had phoned me and told that they would like to talk to me to clear some details. I wasn't involved in any criminal actions. I was engaged in legal business and scientific affairs – opening the Institute of long-term technologies under the Belarusian Engineering Agency. It goes without saying that I was not against the meeting".

Ales was taken to a local militia station in Frunzensky District. There he was forced to sign "the prepared evidence".

"This evidence said that I together with Mikhail Chygir's son and Stanislaw Bagdankevich's son and Alexander Pupeyka organised a criminal gang, involved in a large-scale criminal car business on the territory of Western Europe and former USSR. The elder Bagdankevich was believed to finance everything, and the older Chygir was covering everything up. Naturally, I refused to sign all that lies."

Vechar knew Alexander, son of head of the Government. And he lived in the neighbourhoods with Pupeyka and Bagdankevich. He had been never kept it in mystery.

After refusing to sign false evidence, investigators started to threaten against his family. Special attention they planned to pay to a little son and his younger brother. Ales Vechar also told that he had been given psy-

chedelic injection. Three years later the doctor would have said that it caused diabetes: the reason is a very serious psychical trauma.

To tell the truth he wasn't beaten, though other detained were. Vechar was simply wanted for investigation without any traces of assault.

"According to those who invented all that, I had to give evidence in front of video camera: - Ales says. Director of the "Compromise against Prime Minister" had carefully planned everything. An educated and imposing appearance of their victim was exactly chosen to provoke public anger. If Belarusian television had shown him, everybody would have trusted him.

But the investigation had also another plans.

"I took part practically in all actions of the BPF beginning from the bloody battle in Kurapaty on October 30, 1988, - Ales Vechar says. - I was asked why I didn't want to give evidence against the people who are against

the Front. They tried to persuade me that Pupeyka, Chygir and Bagdankevich had always interfered with the BPF. As if false evidence could be excused somehow..."

Being worried about his relatives, Ales promised to think over the proposal in order to play for time. Soon he got to know that his family was abroad and there is no danger. Then he simply rejected any collaboration with them. After that Ales was said rather categorically: either he signs the false evidence – or he is sent to prison under a "very serious article".

Approximately at that time the militia detained several young guys, who lived in the same city district. Ales knew everybody by sight as saw them near the house. We didn't know each other well but greeted when met. The young guys were accused of stealing cars. The investigation intended to involve Ales in that case be any means as one of the members of the gang. Later in the resolution of guilty



Former Prime Minister Mikhail Chygir currently is being in custody...

On photo – collection of signatures for M. Chygir's freedom.

they would write that Alexander Alimavich Vechar, born in 1960, high-educated, together with Kutsapalaw A.N., Karunyy A.V., Masakowsky F.A., Chyzzykaw Yu.A. and Kaltovich D.A. "being a member of a strong organised gang with hierarchy structure, aimed at embezzling public estate from March till May 1996, on the quit stole a number of private cars". Vechar was incriminated in participation in car-theft on May 16, 22 and 29. The investigation estimated the losses at 134.330.000 roubles.

Before sending Vechar and his accomplices to the custody centre, they had been kept in the cell of preliminary detention of the city investigation department for a week. Ales had to wait till injections disappeared, the other – bruises after assault. By the way methods of influence were not limited to assault. One guy of the "organised gang" suffered a lot: militiamen struck on his eyes – that guy will always be disabled. That's the way they were finding "evidence of guilt". Other guy was sexually abused, while making him sign the required papers. Having found themselves in the custody centre, the guys started to deny the given evidence.

When A. Vechar applied to Mas-kowsky Court complaining of the groundless arrest, the court examined the complaint without him and his prosecutor. Nobody thought of releasing Ales from prison: on the eve of the tragically famous referendum any attempt to compromise the Prime Minister was very dangerous for the authorities, and Vechar wouldn't keep silence. The investigation was prolonged, but there wasn't any new in the case. Even the date of the trial was changed in the last moment so that the trial would begin later than referendum.

As for Ales Vechar, he wasn't mentioned as offender not in a single statement. It was obvious that there was lack of evidence. They failed to prove that Vechar was present at the scene of crimes. In one of the cases he wasn't even in Minsk. They failed to prove his prior deal with other and group drinking as well (according to the case, the cars were stolen by drunk guys). Ales was found guilty without any evidence. On May 15 1997, Frunzensky court sentenced him to 6 years of imprisonment in colony.

"I was sentenced to more years than the famous hijacker who divert the plane from Belarus to Sweden. He was sentenced to 5 years, he served one, - Ales admits. - I was found guilty of the crime which is ranked among the most serious one, several years ago death penalty was stipulated for it. If Kebich hadn't repealed it, I could have been sentenced to death penalty."

On January 3, 1997, Presidium of Minsk City Court re-examined the case and disaffirmed the verdict. He was left in prison, but it was decided that the case was to be re-examined in court by other judges. The same decision was made on March 17, 1998 by the Court Bar for criminal cases of the Minsk City Court. The lawyers point to the lack of evidence, sufficient to find Ales Vechar guilty. As

a result Ales was released from prison only in April. 1999 – under amnesty...

Being released from prison Ales was faced with a number of unpleasant things. He was given a little strange certificate of release: as Ales says, the signature is twice forged. He hadn't written anything on the document; it was found out that Frunzensky District Military Committee had lost his documents. Legal advice office of Partizansky District, where Ales lived after prison and its head A. Krawchanka answered that Vechar had never been registered and he had no information if he had taken part in the Chernobyl liquidation. Thus, Ales lost all his Chernobyl privileges, the certificate of liquidator – the one he has, is not valid. Without military documents it is hard to get registration, to get a passport and so on. And maybe by chance but still officials demanded something unusual. For example Vechar's ex-wife while making a child's foreign passport shows a legally witnessed agreement of its father. And she was answered: "We want your husband to come himself and show his passport". As to others, who haven't got any problems with passport, they were not asked to do it. Is it just a coincidence?

Diabetes reminded of itself caused by injections during the investigation. Only after the release Ales Vechar got to know that from the beginning of 1996 doctors prescribed him to check the level of sugar in blood regularly. During his detention nobody had ever examined him, though there was a threat to his life. Perhaps, those who wanted to get rid of Prime Minister, head of National Bank and famous businessman hoped for this threat... Ales has overcome prison, but now a doctor from Minsk hospital No 20 refused to give him insulin injections.

Two weeks ago, Ales Vechar said good-bye to the Motherland. Finally he managed to re-new some documents and he left for one of democratic countries in the world. At the beginning of 90s, he refused several proposals of his colleagues-scientists to work in the West.

"My grandfather, Belarusian poet, bequeathed to me to live and work in Belarus. In the end of 20s he, editor-in-chief of magazine "Ways of collectivisation" was excluded from the party and deprived of a possibility to work for speciality because of serious critics of "obliged work". He had been wandering for more than 30 years throughout the former USSR, cherishing the dream to come back. At the beginning of 60s, it came true – he returned a famous biochemist to Minsk (he left Minsk, by the way)... He had been forced several times to speak against his ideas – support of Lysenko' ideas; struggle against Veyismen is not just words for me, it's history of my family. Don't give false evidence and you will never explain the reasons why you did so..."

These are the words, pronounced by Ales Vechar in his last speech in the court. He was lived and is living now according to this rule.

Tatsyana SNITKO

LETTER TO EDITOR-IN-CHIEF

I WON'T FORGIVE

This letter was sent not only to "Viasna-96", but to President, to the General Prosecutor of the Republic of Belarus, to the head of OSCE in Belarus, to the head of Belarusian Helsinki Committee. We publish it without comments (we made it a little short), as the way "servants of justice" treat common people is clearly depicted...

On June 20, 1999 in the morning I arrived from Navapolatsk to the village of Zaazer'ye, Lepel district, where my daughter Lena (born in 1982) was on holidays at her grandmother's and there I got to know that not long before my arrival she had been raped by one of local guys. Everybody knew about it and waited for me.

I together with my daughter went to Lepel where we applied to the militia about the rape. Assistant of Prosecutor of district prosecutor's office was responsible for our case. Together with the militiamen he talked with the daughter, but he had prohibited me to be present explaining that my daughter would feel shy to say everything. I believe that it was nothing but violation of the right of my daughter to be supported by her relative in hard moment.

Having kept us almost the whole day, the prosecutor's assistant gave my daughter a resolution to be examined by forensic medicine expert and advised her not to take shower till Monday (later it became known, that forensic expert could have examined my daughter because he worked on weekends).

On Monday prosecutor's assistant told us that the prosecutor himself wanted to talk to us. I came to him not only with my daughter but also with my representative – head of the Commission for Justice of Navapolatsk City Executive Committee L. Sapranetsky. The prosecutor's secretary announced that my daughter had to come in alone. The daughter came out 3 – 4 minutes later almost unconscious. She was shivering all over with emotion and offence. Seeing my daughter in such a condition, I took her to hospital. Ambulance was called to the casualty ward – the rapeist and psychiatrist brought my daughter round with the help of injections. She told us that when she entered the prosecutor's office and said that she wanted her father be with her, the prosecutor tell upon her: "May be you want to see a priest here, don't you?" and later added: "I can compose such fairy tales now..." It's prosecutor's rudeness that drove my daughter to a nervous breakdown.

I and our representative were shocked with V.A. Laptevich behaviour as Lepel District Prosecutor. By the way, soon after my daughter we entered but he made us get out of the office. Why did they treat me and my daughter in such a way? No one had even interrogated my daughter for 2 days from the moment of rape. The forensic examination had been put off. The stripped lingerie had not been found. The case was not instituted. The daughter was executed, and I was treated as a kitten...

I want everybody to know: I will not forgive defiled dignity of my daughter. I demand to institute criminal proceedings and to bring the offenders to trial. Besides I ask to punish the prosecutor – boor, servant of bandits but not of justice. If no measures are taken, I leave the right to act by myself in my activities to defend my rights and interests.

V.K. KAVALEWSKY

ECHO

The Bulletin of the Human Rights Centre "Spring '96"

13 THE RIGHT TO FREEDOM

EVENTS FACTS COMMENTS

(continued from p.1)

On 30 June, on the eve of the Belarus' liberation from German-fascists invaders Belarusian village Mikalayewka (Svetlagorsk region, Gomel oblast) was attacked by "Golden eagle" – Russian "military-patriotic" detachment from Surgut. 130 people in uniform (young guys and their tutors – veterans of the wars in Afghanistan and Chechnya) imitated the seizure of village by punishers and then its liberation. The villagers were not informed of conducting the "game" of this kind, during which the smoke and explosive appliances were used. During this "game" as hostage 20 villagers were driven together in local school. Young guys burst into the homes of peace inhabitants, broke off their hands, made them fall to the ground, said spiteful things. The Russian flag was hoisted over the village soviet. This action was financed by entrepreneur Anatol Silivonchyk Belarusian by birth. He tried to set off moral losses with help of forty bottles of vodka. Members of the "Golden eagle" club were detained in Babruisk. Guys and their tutors were deported from Belarus. As far as A.Silivonchyk is concerned he was taken to investigation ward. A.Silivonchyk's barrister is Vera Stramkowskaya. By this action they violated human rights of Belarusian citizens. As far as we know the members of the "Golden eagle" club were in Belarus by invitation of Belarusian Patriotic Union of Youth, which was set up under patronage of Alexander Lukashenka after he came to power.

In July, experts of the OCSE recognised the new draft of the Belarusian Electoral code as not suiting for elections, which wouldn't provide every elected person or institution democratic legitimacy. The elections beginning from the local soviets to the presidential elections are going to be held in Belarus under this Electoral code (which is currently submitted for consideration to the Chamber of representatives) including popular

votes. The experts of the OCSE made all together fifteen remarks. Among them were following: about impossibility to hold early elections during five days with using mobile ballot-boxes ("there is no possibility to control this kind of voting"), about danger of situation when one percent of votes being recognised invalid makes all the votes null and void ("In case one vote was recognised invalid the candidature can be withdrawn")

In July, Vera Stramkowskaya, barrister of Vasil Staravoiatow, who was sentenced to two years of imprisonment, stated that her client might be released ahead of schedule. Court's verdict which was brought to V.Staravoiatow entered into power. The barrister and her client took aside their appeal from Magilew oblast court. Termination of the process against V.Staravoiatow will quicken the process against Vasil Lyavonaw – former minister of agriculture, who has been in custody on a charge of bribe-taking already for 18 months. V.Lyavonaw appeared in independent press with open letter to Alexander Lukashenka by which he reminded Lukashenka of their past. The point is when V.Lyavonaw used to be the first secretary of the Magilew oblast committee of the CPSS (communist party) and Lukashenka used to be director of the sovkhos (State farm) "Garadzets", V.Lyavonaw defended A.Lukashenka and did not set in motion the process against him for beating tractor drivers.

In July, the workers of the pedigree plant "Novy dvor" of Svislach district (Grodna oblast) went on strike. Tractor drivers were first who called a strike and refused to make hay. Then

they were supported and joined by cattle-breeders. The reason was people did not get wages last six months.

In July, they announced a search of Yuras Maroz – activist of the Vitsebsk Council of the Belarusian Popular Front, who last year asked political asylum in Czech Republic.

On 1-2 July, action of protest was held in Gomel by local entrepreneurs. It was held to show protest against decision of local authorities to cut 1200 trading places in a Central collective farm market were the entrepreneurs worked. By this decision local authorities wanted to make entrepreneurs move to a new market which is out of city.

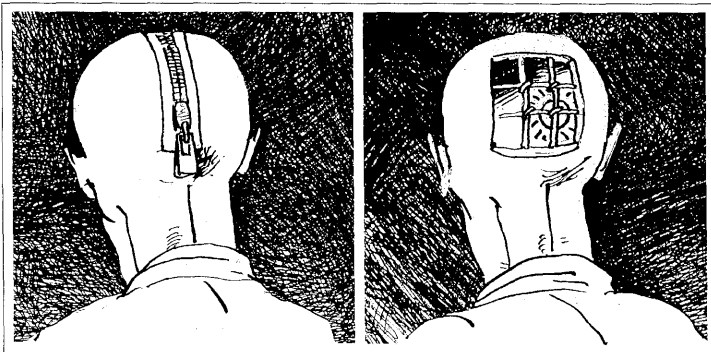
On 5 July, Alla Mikalutskaya – widow of Yawgen Mikalutsky, head of the State Control Committee of Magilew oblast, in her interview to "Belorusskaya gazeta" said that trial behind closed doors "on the case of Mikalutsky's assassination" was unjustified. She said that proceedings of the case did not touch any state interests and state secrets. "I think the trial had to be open. May be then justice would win a victory. The convicted probably are the bandits. They were charged with gangsterism not with assassination of my husband. In the proceedings they did not even appear as executors. During the trial I insisted on one of the accused was set free. They, who ordered this assassination, are still at leisure. The convicts themselves emphasised with me. They looked at me in the court room through the bars and repeated: "We are not to blame for this. We serve our term and then will look into. We will find real killers",- said Alla Mikalutskaya.

On 6 October 1997 she was together with her husband in the door way of their house when the explosion rang out. She was heavily injured and with numerous traumas was taken to hospital. After death of her husband Alla Mikalutskaya was left without money for medical treatment and without hope that killers would be called to account though A.Lukashenka stated during the sorrowful meeting that in a ten day term corresponding agencies were to catch the criminals.

On 6 July, workers of joint-stock venture "Orsha" did not get down to work. They gathered near the plant administration. The reason of the strike was that they got wages last time in April. The administration of joint stock venture "Orsha" promised to pay money in July, but it did not respond to the workers' demand to raise wages twice.

On 6 July, workers of amalgamation "Mazyrselbud" (Narowlya, Gomel oblast) went on strike. They did get money from spring time. Average wages is 5-10 million roubles (it is equivalent of 10-20 US dollars). Every morning workers came to amalgamation with their families and insisted on paying their money. The youngest participant of the strike was hardly elder than one year. Workers says that they have no money to buy even a bread.

On 7 July, workers of amalgamation "Azot" (Grodna) held a picketing in front of the building of the plant administration. The picketing was organised by independent trade union of amalgamation "Azot". People demanded administration to raise wages and quantity of holidays in a summer time.



On 8 July, Navapolatsk authorities banned conducting the mournful rally devoted to the anniversary of a last year tragedy. Alyaksei Filipchanka, barrister and human rights activist, burned himself near the building of the town court. It necessary to remind that A.Filipchanka did this act to show the protest against attempts of authorities to take away the flat belonging to A.Voranava, his client... The inhabitants of Navapolatsk were forced to hold sorrowful rally on the place of an authorised picketing devoted to the same happening. After picketing representatives of human rights organisations "Viasna-96", "Charter 97" and Belarusian Helsinki Committee laid flowers on a place of self-burning and on A.Filipchanka's grave.

On 8 July, Syargei Laveikin, Aleg Koidava and Anatol Bliznyatsow stood military trial in Vitsebsk. In spring time they took off Lukashenka's red-green flag from the building of Polatsk District Executive Committee. One of the guys serves in the Army that's why they stood military trial. They did not deny their actions. Guys stated that they were brought up and got social and political conscience under Belarusian national white-red-white flag which used to be state symbol from 1991 till 1994 and they could not get red-green one... The court found them guilty and brought them verdicts which were as follows: S.Laveikin and A.Koidava were fined 200 million roubles each (approximately 800 US dollars), A.Bliznyatsow who did break off the flag was fined 20 million roubles.

On 8 July, a red-white-red flag appeared on a telegraph pole near the highway Vitsebsk-Smalensk not far from the entry to Liozna (Vitsebsk oblast). This red-white-red flag was with black sorrowful band. In this way unknown Miron (it's name of a man who constantly raises national flags in Vitsebsk region) marked 40 days of the tragedy on "Nyamiga" metro station.

On 10 July, the first National congress of workers was held in Minsk in the Palace of veterans. 315 delegates representing 42 cities and towns of Belarus and 287 enterprises took part in this congress. Workers addressed to A.Luka-

shenka to resign voluntarily on 20 July. In case he does not resign workers promise to start actions of mass protest against illegal usurpation of power.

On 11 July, Minsk city authorities banned previously authorised antifascist meeting and rock concert of famous Belarusian rock groups. The reason was a lack of registration certificate on sound amplifier as though it could lead to fire. Antifascist actions are forbidden in Belarus with a strange regularity whereas nobody does not pay attention to actions of pro-fascist organisations.

On 11 July, a meeting of the members of organising committee on creation of the Union of Belarusian officers took place in sanatorium near Lepel (Vitsebsk oblast). Former minister of defence Yuri Zakharanka stated about creation of this public organisation not long before his mysterious disappearance. After he disappeared (Y.Zakharanka's fate is still unknown) his work was caught up by his friends and companion-in-arms. During the meeting officers discussed tasks and forms of cooperation with League of militia officers.

On 12 July, workers of an automobile plant went on a strike in Magilew again. Not long ago they believed their director (who promised to pay wages for May in the near future) and suspended the strike. But director went on holidays having not kept his word. The administration of Magilew Automobile Plant promised to pay wages before long again. The workers' reply was as follows: in case you deceive us again the strike is going to be endless.

On 21 July, legal proceedings on Andrei Klimaw's case – deputy of the 13th Supreme Soviet – began. On 28 June the case of Andrei Klimaw was transferred to the Minsk Leninski court. A.Klimaw has been under arrest since 11 February 1998. He has been accused of committing the series of economic crimes. But he does not plead guilty himself and claims that he has been prosecuted just for critics of A.Lukashenka. Being in custody A.Klimaw refused from participation in investigation process protesting against breaking his deputy's immunity.

THEY GRIEVED FOR AND SUBMITTED IT...

REALITIES OF OUR LIFE

About three years ago in "Izvestiya" Avenue in Minsk new buildings appeared. A village of modern cottages was being built. Now they are already occupied and rejoice the eye of the Southern West District inhabitants. This village was built by the joint-stock company "Zabudova".

The houses are ostentatious. I happened to visit some of them and came to the conclusion that was how man, should live. But not everyone but only that who had "extra" 50 – 100 thousand dollars. Land within the city line is very expensive... now we come up to the problem itself.

Near the village, behind a white concrete fence there is a village Dvoryshchy. It used to be a part of a local collective farm. As the city was growing like an oil spot on the water, one day the village was found on its territory.

A lot of former collective-farmers live here. Those who are younger are already working in town, older ones are busy with their household. It gives (or, more correct, used to give) a permanent addition to a small pension and let make ends meet. It stands to reason, if you have cattle you cannot manage without a kitchen-garden. It goes together. Some years later in the village strange people appeared. They walked on the kitchen-garden and measured something. When asked about it they replied not eagerly: "We will build here". Later it cleared out that new houses were going to be built there and because of that the plot would be cut off. Said – done. People whose plots had been cut off started to appeal to the authorities and write letters. But it was in vain.

The houses are there. The plots are smaller than they used to be. Gradually people got used to new neighbours. The beautiful houses occupied by new people, stylish cars often there. Their owners are of flourishing age and with faces, satisfied with life. Everything is all right.

If look into the situation: who has infringed the law and when, the answer will be – nobody. The decision on the land, made by Minsk executive Committee was lawful. The matter is that Dvoryshchy inhabitants had plots the size of which is 3 times bigger than the norm for a town. So the plots were just brought to the stipulated size.

The joint-stock company "Zabudova", certainly paid a certain amount of money for the right to build on this territory. It in its turn was paid by their clients. So everybody paid and was paid. Except people whose plots were cut off. They are offended but it turns out their offence is groundless. Because they were deprived of their land lawfully. More precisely, according to our laws that don't take into consideration the rights of people who live on land. Generally speaking, there is no property in our country except state property. And people who occupied these newly-built houses shouldn't be very happy. The state will find a way to them.

What can the inhabitants of Dvoryshchy count on? On nothing. Because the land is not their property. We don't have personal land property. Even a farmer who says he possesses land is lying. He is only a tenant. Of course your ancestors can inherit the land. But you cannot sell it. So what kind of personal property is it? Moreover it is much easier to deprive a farmer of his land than it seems. Having a quarrel with the district authorities is enough. No court will help you as the court always defends the power.

People in Dvoryshchy knew that from their life experience. They would be given land and deprived of it, depending on the strategy of the Soviet authorities. Now they are deprived of it again...

That is why nobody revolts in the village today... they grieved for and submitted it. Is it the first time the state deprives them of something...

Syargei SHAUTSOW

ALYAKSEI SHYDLOWSKI

EIGHTEEN MONTHS IN HELL

IV. VALADARKA. MENSK

The day when I and Uladzimir Labkovich were deported under guard to Minsk in "stalypin" came. "Stalypin" is a special wagon which is usually clung to night trains. The wagon is wholly metal and inside it is divided into 6 compartment-cells. In every "compartment" there are 3 berths at each side not 2 as usual. The "stalypin" itself is not awful but first one should get into it.

And this process is not quick at all at 2 p.m. we were driven to Zhodzina railway station and set down just onto snow. All the 50 convicts were made to squat, lay their hands behind the neck and look into snow at their feet. The temperature was not higher than 15 degree below zero centigrade and after 5 minutes of such sitting it became awfully cold and our bodies became numb. 10 minutes later the desire to stand up and stretch our legs became unbearable. But about 10 gunmen didn't stop to warn: "A step to the right or left means an attempted escape..." and didn't let us even to move. In half an hour we were close to fainting. Until the train with "stalypin" came I hardly managed not to lose my consciousness. Five minutes more and we all were driven into the wagon. In the next "compartment" there were women who were singing "taganka" (a song about a famous prison in Moscow sung by its prisoner) and provoking the guard. The guard didn't like it and they made them calm down.

Zhodzina is not far from Minsk and time flies very quickly. And again we are sitting on the snow waiting for a "varanok" (a van in which prisoners are usually transported) at 3.30 a.m. at the station Minsk-Eastern. Gradually the in-mates are taken to Minsk Central Prison, "Valadarka" or "Navinky" (a hospital for mentally disabled people). I and Labkovich were driven into one part of the prison van and that gave the possibility to talk a little. Going by central streets, by the Avenue we couldn't help sighing. Freedom... It is so close. And so far...

"Valadarka" met us by silence. The wards, half-drunk were sleepy and didn't show much activity. Driven by the habit from Zhodzina I immediately turn my face to the wall and hold my hands behind the back. And at once I heard a mocking question:

— Probably, you are from Zhodzina?

I turned and was very surprised to see that these words were uttered not by a ward but by a convict standing next to me. He stood very calmly with his hands in the pockets. And nobody was beating him as in Zhodzina.

— Get rid of this habit. Here the rules are different...

(Continuation.

Beginning in №№ 31-34, 36)



Alyaksei Shydlovski – Soviet pre-Prisoner

One could immediately feel it. During the day on which we were waiting for being distributed to our cells I saw many things surprising to me. On the evening checking I as usual stood up breathed in and was ready to greet the ward when I saw that the rest only held up their heads – just to show they are alive. The ward counted us silently and left.

Next day I was distributed to cell 49. Here I really felt the difference between Zhodzina and Minsk.

First of all, in "Valadarka" the institution of "observers" is preserved from Soviet times – "observers" of a cell, building, the custody centre. Usually they are the convicts who live according to their "laws" and consider themselves better than the rest. They rule in cells and have even more power than the guard. When I found myself in cell 49 there were 22 people for 14 places – quite spacious in comparison with Zhodzina. Here I saw the process of "bringing-down" for the first time. An eighteen year old guy Vital in private talk boasted he used to satisfy women by oral sex. Immediately he was severely beaten up and spent the rest of his time in the cell (before being driven to the colony) at the toilet corner. His duty was to clean the toilet. Liza (Vitaly's new name) was beaten every day and if he received "parcels" half of each was distributed among the "observers".

In the whole the situation in the cell was unbearable. Everyday somebody was beaten up and a week later there were 3 "brought-downs" already. One of them each evening would satisfy sexual demands of the "bratva" (respected cell-mates).

From the very beginning I didn't get along well with this "bratva" as I am against violence and criminal things. I wasn't liked in cell 49 because I didn't hide my repugnance to things happening in the cell. Though they didn't touch me I made a sharp hand-made knife which I

kept in the sleeve. To be ready to face a possible attack. But they seemed to be a little bit afraid of me.

By the way, though it doesn't characterise the state of things, 2 of 4 "observers" were Russians. And the fact that I am from the BPF irritated them. At last militiamen learned what is happening in the cell and one evening we all were severely beaten up and those Russians were driven to another cell. Then a rather normal atmosphere set up in the cell.

Next day I, beaten on the eve, was called to the lawyer, who informed me the court hearing which would take place after tomorrow. After the decision of the court the convict is driven to another cell. That is why knowing those were my last days in cell 49 I had a sincere talk with a killer from Barysaw – a middle-aged man who was respected in the cell. I pronounced a thought that these laws which existed in "Valadarka" and didn't – in "Chorny Busel" only make the life of the convicts more complicated. For example the part of the cell behind the so-called "parapet" (it is one third of the cell). This part could have been used for drying clothes, cooking, washing. But everything which dropped on the floor in this part was considered "dirty" and thrown away. The rope with the clothes used to fear off and all the clothes were thrown away! The same was done with soap or the towel. "Autarytet" agreed with me but replied that it was impossible to change everything. Much time should pass before everybody realised that.

On February 18, I and Labkovich were taken to court. We were impressed by the number of wards (twelve people with dogs) and the fact that we were only two convicts in the van and the rest – militia men. Approximately at ten a.m. we were in the building of Minsk Regional court; we were taken to the "glass" (a cell designed for one person). Some time later I noticed that militiamen got worried and talk with somebody on the phone. At last they ventured to take us to the court room. From the distance I heard noise which was getting stronger with every step. And when the door to the court room were opened what I saw took my breath away. Naturally, we had expected special attention but we couldn't expect what we saw! Cameras, Dictaphones directed towards us and the main thing – about a hundred people in the court room and even more outside the room. We nearly cried at hearing the slogan "Long Live Belarus!" declaimed by the people. It touched the soul and gave strength to fight. It is senseless to describe the court hearing – a lot has already been written about it. I only want to say that those four days made a greatest impression on me and till now they are the brightest memories in my life.

(To be continued)